



Northern Ireland
Assembly

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The size of the Assembly and number of government departments (includes Efficiency Review Panel)

1 Background

This briefing note highlights key issues and developments relating to the number of MLAs in the Assembly, number of government departments and the relevant legislation. It also provides a brief description of the current arrangements in Scotland and Wales and gives an overview of proposals to reduce the number of Parliamentary constituencies, which will impact on the number of Assembly seats.

A potential reduction in the numbers of MLAs and government departments was considered by the Committee on the Preparation for Government which met between June and October 2006. As part of its remit, the Committee considered each element of the institutions arising from the Belfast/Good Friday Agreement. Its report, 'Report on Institutional Issues', was published in September 2006. Furthermore, the Assembly has come under increased scrutiny following the Westminster expenses scandal, particularly from sections of the Northern Ireland press.

2 The size of the Assembly

Section 33 of the Northern Ireland Act 1998 states that six members shall be returned from each of the parliamentary constituencies in Northern Ireland. A 108 member Assembly is more than twice the size of the old Northern Ireland house of commons and 30 more than the 1974 Assembly¹. The 1995 Framework Documents envisaged about 90 members being returned to a local Assembly, equating to five-seat constituencies. Senator George Mitchell and his co-chairmen who chaired the talks that led to the Belfast Agreement recommended increasing the number of seats per constituency from five to six or having a top-up of 10 to 20 seats. The intention behind this was to provide greater opportunities for smaller parties to be represented².

In 2006 Committee on the Preparation for Government “agreed that the number of MLAs should be reduced and that this matter should be subject to mechanism/Institutional review”³. During the discussions, some of the reasons put forward for this included:

- 108 members was too many in light of the RPA recommendations to enhance the role of councils
- The number of MLAs was unwieldy compared to the size of Northern Ireland’s population
- Concerns about the high number of elected representatives in Northern Ireland⁴

Speaking in September 2009, the First Minister said that reducing the number of departments and number of MLAs could save millions of pounds. He went on to say that the public would question why cuts to front line services were being made while the political bureaucracy remained intact⁵.

Comparison with Scotland and Wales

In terms of population, the number of MLAs is disproportionately higher when compared to the number of elected representatives in the National Assembly for Wales and the Scottish Parliament. In response to an Assembly question asked in June 2010 regarding the number of Assembly members, the Office of the First and deputy First Minister gave the following response:

In terms of numerical comparison, the people of Northern Ireland have, per capita, more MLAs than their counterparts in Scotland and Wales in respect of their equivalent institutions. Scotland, for example, with a population of just over 5 million, elects 129 members to the Scottish Parliament which, if translated to Northern Ireland, would suggest that the Assembly should have

¹ Austen Morgan *The Belfast Agreement: a practical legal analysis*, Belfast Press 2000

² As above

³ Committee on the Preparation for Government, ‘Report on Institutional Issues’, September 2006

⁴ As above

⁵ ‘Robinson plans cull in department numbers’, *The Irish News* 18 September 2009

around 43 rather than 108 members. Using the Welsh example, the equivalent figure would be 35. Clearly, however, any future consideration of the optimum size of the Northern Ireland Assembly would require consideration of a wide range of issues other than numerical comparisons of this nature. However, the United Kingdom Government has announced its intention to bring forward legislation to provide for a reduction in the number of seats in the House of Commons and more equally sized parliamentary constituencies; and that the Boundary Commission will be empowered to draw up the new constituencies during the current Parliament...any reduction in the number of these constituencies would have a direct impact on the future size of the Assembly⁶.

The cost of the Northern Ireland Assembly compared to the Scottish Parliament and the National Assembly for Wales

The following table compares salaries and other costs of elected representatives in Northern Ireland, Scotland and Wales. The figures for Northern Ireland and Wales are based on accounts for 2009-10 and the figures for Scotland are based on 2008-09.

Table 1: Costs relating to elected representatives in the Northern Ireland Assembly, Scottish Parliament and National Assembly for Wales

	Northern Ireland Assembly ⁷	Scottish Parliament ⁸	National Assembly for Wales ⁹
Salaries (£m)	6.9	10.4	6.1
Other costs (£m)	9	10.5	7.1
Total (£m)	15.9	20.9	13.2

It should be noted that the statements of accounts do not provide the exact same information under 'Other costs'. For example, the Northern Ireland Assembly lists £784,000 for 'Party Allowances' under other costs, which is not included in either the Scottish or Welsh accounts.

The Parliamentary Voting and Constituencies Bill

On 22 July 2010 the coalition government at Westminster introduced a Bill providing for a referendum on the voting system to be used at future Parliamentary elections and a reduction in the number of Parliamentary constituencies to 600. If passed, the legislation will require the four Boundary Commissions in the UK to review the existing

⁶ Assembly question asked on 10/6/10

⁷ Northern Ireland Assembly Resource Accounts year ending 31 March 2010

⁸ Scottish Parliamentary Corporate Body Annual Accounts 2008-09

⁹ National Assembly for Wales Annual Report and Statement of Accounts 2009-10

arrangements and submit their reports before 1 October 2013. The Bill does not allow for a separate determination of Assembly and Westminster constituencies, so any changes to the number of constituencies in Northern Ireland will automatically impact on the number of MLAs returned to the Assembly. The Bill contains technical arrangements to allow for more variation around the number of electors per constituency, given the relatively small the size of Northern Ireland.

During a debate on a Westminster Private Member's Bill introduced in 2006-07 (Parliamentary Constituencies Bill (Amendment) Bill), it was speculated by Lord Baker of Dorking¹⁰ that Northern Ireland would emerge with 15 Parliamentary constituencies following any future review. This would translate to 90 MLAs.

Scotland and Wales

In 2001 the Scotland Office launched a consultation on the size of the Scottish Parliament. The consultation was a result of a provision contained in the Scotland Act 1998 that any reduction in the number of Scottish constituencies at Westminster would automatically reduce the number of MSPs. In 2002 the Boundary Commission for Scotland published provisional recommendations that would have reduced the number of Scottish Westminster constituencies from 72 to 59. As a consequence, the number of MSPs would have been cut from 129 to 104. During the passage of the Scotland Act 1998, the Government gave a commitment that it would listen to any concerns individuals or organisations may have had about a reduction in the number of MSPs. In a statement on the consultation to the House of Commons, the then Secretary of State for Scotland commented:

Two strands emerge from the consultation. First, there is the need for stability. Among the civic and representative bodies that responded, the overwhelming view was that the Scottish Parliament should continue to operate with the present number of MSPs. The argument was put that a reduction would cause difficulties, especially to the Committee system, and that it would be unwise to destabilise the Parliament so early in its life by reducing its numbers. The respondents stated that a reduction would adversely affect the Parliament's scrutiny of legislation and the Executive's capacity to conduct inquiries or initiate legislation. They claimed that any reduction in the numbers of list MSPs would reduce proportionality and that the current structure should be maintained to give a proper balance of representation. Secondly, it was acknowledged, not least by electoral administrators, that difficulties could arise if the boundaries for Westminster and Holyrood were not coterminous. Confusion could be caused to voters and there would be problems for political parties in relation to their organisation¹¹.

¹⁰ HL Deb 18 May 2007 vol.692 c399

¹¹ Hansard 18 December 2002 c859-60

With regards to the potential impact on the Committee system, respondents to the consultation had raised the issue that “even given the present number of MSPs, they were under strain to scrutinise, research and legislate”¹². The Scottish Parliament (Constituencies) Act 2004 removed the link between constituencies for the Scottish Parliament and those for Westminster, meaning that the reduction in Scottish Westminster constituencies to 59 did not affect Scottish Parliament constituencies. A similar decoupling between Westminster and Assembly seats in Northern Ireland would require a change to Section 33 of the Northern Ireland Act 1998.

Furthermore, the findings of the Calman Commission, which was set up to review the workings of Scottish Devolution, reported in 2009 that “although (the Commission) received some representations...suggesting that there are too many MSPs, we have not seen anything to convince us of a case for change”¹³.

The Commission on the Powers and Electoral Arrangements of the National Assembly for Wales (the Richard Commission) was appointed in July 2002. Its job was to examine the powers and electoral arrangements of the Assembly and to produce an independent report. One of its recommendations was that the Assembly should receive enhanced law-making powers and that the number of Assembly Members should therefore be increased from 60 to 80 to deal with the anticipated increase in workload. In the event, the Assembly did receive enhanced powers but there was no concurrent increase in the number of AMs.

The Additional Member System (AMS)

Both Scotland and Wales use the Additional Member System to elect their respective institutions. AMS gives voters two votes – one is to elect regional members, the other is for a constituency MSP/AM. The system is designed to ensure that, as far as possible, the share of MSPs/AMs in reflects the share of votes cast for each party.

Table 2: Regional and constituency members in the Scottish Parliament and National Assembly for Wales

	Scottish Parliament	National Assembly for Wales
Number of regional members	56 (8 regions)	20 (5 regions)
Number of constituency members	73	40
Total	129	60

¹² Responses to the ‘size of the Scottish Parliament – a consultation’, Scotland Office 1 December 2002

¹³ Serving Scotland Better: Scotland and the United Kingdom in the 21st Century, Commission on Scottish Devolution, final report, June 2009

The reviews of devolution and the devolved institutions in Scotland (the Calman Commission) and Wales (the Richard Commission) examined the AMS system. Some of the perceived advantages and disadvantages were similar. AMS was credited as being more proportional than FPTP. However, in both Scotland and Wales there was criticism that AMS created two types of member the single constituency member and the regional member who is one of four representatives covering the region which includes the constituency. The Calman report pointed out that regional MSPs were seen as having less legitimacy and could cherry-pick popular issues without having to carry the burden of constituency work¹⁴.

Reducing the number of MLAs – issues to consider

The argument that reducing the number of MLAs would be a good idea is a popular and easy argument to make, especially in terms of the number of MLAs in relation to population size. However, less consideration has been given to the implications a reduction would have on the work of the Assembly. Some of the issues that might potentially arise can be found in responses to the 2001 Scotland Office consultation on the size of the Scottish Parliament, which reflect a number of concerns about a potential reduction in the number of MSPs:

- A smaller Parliament would mean less MSP time available to carry out the busy schedule currently undertaken by MSPs
- MSPs discharge a variety of functions, including constituency business, plenary business in the Chamber, membership of the Parliament's Committees and other commitments such as cross-party groups. The Scottish Parliament being unicameral - with only a single Chamber - meant that the role of MSPs, and in particular the Committees, was crucial in scrutinising and improving the quality of legislation. A reduction in numbers would undermine the ability of MSPs to discharge these various roles effectively¹⁵.

Consideration would also need to be given to the impact a reduction in the number of MLAs would have on the ability of smaller parties to secure representation. However, it could be argued that smaller parties have fared less successfully since the election of the first Assembly in 1998.

3 Number of government departments

Section 17(4) of the Northern Ireland Act 1998 allows for up to 10 Ministers with Departmental responsibilities, although this can be amended. For example, the Northern Ireland Act 1998 (Amendment of Schedule 3) Order 2010 allowed for the transfer of policing and justice functions. Under section 21(3) of the 1998 Act a

¹⁴ 'Serving Scotland Better: Scotland and the United Kingdom in the 21st Century', June 2009

¹⁵ Scotland Office, 'Responses to the 'Size of the Scottish Parliament – a consultation', December 2002

department under the First and deputy First Minister is not included in the 'up to 10 Ministers' figure. The current number of government departments was arrived at following inter-party negotiations, primarily between the UUP and SDLP, which were concluded on 18 December 1998¹⁶. The Departments (Northern Ireland) Order 1999 established new Northern Ireland Departments and renamed some existing departments. The six departments at the time of the Belfast Agreement were agriculture, economic development, environment (Northern Ireland), education, health and social services, finance and personnel.

The Report on Institutional Issues emanating from the Committee on the Preparation for Government agreed that there was a need to re-examine the number of departments to ensure effectiveness and value for money, although it also recognised the benefit of the current arrangement which enabled some issues to receive greater focus that might not otherwise have been possible with a smaller number of larger departments.

Scotland

The Scotland Act 1998 allows for a First Minister who may appoint Ministers following the approval of the Monarch. Following devolution, there were initially 22 Scottish Ministers (of whom eleven were in the Cabinet). However, when the SNP was returned to power in 2007 it sought to reduce the weight of departmentalism and cut the number of Cabinet Ministers to six to provide greater cohesion and strategic direction, with 10 other Ministers below them. The SNP also abolished the old departments and replaced them with directors general in charge of directorates. The directors general have policy responsibilities for specific fields but also a cross-cutting remit in relation to key Government objectives. They are answerable directly to Ministers¹⁷.

Wales

The provisions of the Government of Wales Act 2006 allow up to 12 Welsh Ministers and Deputy Ministers. The Welsh Assembly Government's Departments are arranged under seven Director Generals. Director Generals are members of the Senior Civil Service and are responsible for ensuring joined-up working across Welsh Assembly Government Departments.

¹⁶ Statement from the Office of First Minister (Designate) and deputy First Minister (Designate) 18 December 1998

¹⁷ Michael Keating, *The Government of Scotland: public policy making after devolution* (2nd edition), Edinburgh University Press 2010

4 The Efficiency Review Panel

The St. Andrew's Agreement allowed for the establishment of an Efficiency Review Panel to examine the workings of the Assembly. The Agreement stated that:

The First Minister and Deputy First Minister would appoint an Efficiency Review Panel, to examine efficiency and value for money of aspects of the Strand One institutions. The FM/DFM would put to the Assembly for approval proposals for the panel's remit, which might include the size of the Assembly and the departmental structure. The Panel would take into account as appropriate the work of the Review of Public Administration. The Panel's report would be considered by the Executive and Assembly, and, where agreed changes required legislative steps outside the scope of the devolved institutions, by the British Government in consultation as appropriate with the Irish Government¹⁸.

On 9 April 2009 OFMDFM released a statement saying that after Easter of that year it was their intention to bring forward proposals for the creation of an Efficiency Review Panel for approval. It went on to say that the Panel would report later in 2009.

The announcement by OFMDFM on the creation of the Efficiency Review Panel was reported in the press as being likely to lead to a reduction in the number of government departments¹⁹. Furthermore, the Programme for Government 2008-11 promised to review the overall number of Government Departments by 2011.

A number of Assembly questions have been put to OFMDFM on progress in appointing the Efficiency Review Panel and/or its work. In answer to the last question asked on 2 June 2009, OFMDFM repeated that it intended to put forward proposals soon on the creation of the Panel and still expected it to report later in 2009. However, to date the Efficiency Review Panel has not been established. The latest communication from OFMDFM states that "membership, terms of reference and work programme are under consideration"²⁰.

Efficiency savings in the Republic of Ireland – An Bord Snip Nua

In 2008, the Government in the Republic of Ireland appointed the Special Group on Public Service Numbers and Expenditure Programmes in the Republic of Ireland (commonly known as An Bord Snip Nua) to identify and recommend cuts in public spending. Its report was published in July 2009 and identified savings of approximately €5b across government departments. It further recommended the closure of the Department of Community, Rural and Gaeltacht Affairs, stated that the need for a Department of Arts, Sports & Tourism should be 'critically examined'. The report was

¹⁸ St. Andrew's Agreement, October 2006, www.nio.gov.uk/st_andrews_agreement.pdf

¹⁹ 'Stormont Downsize Proposal Mooted', News Letter 9 April 2009

²⁰ E-mail from OFMDFM 17 August 2010

met with substantial criticism from trade union and other representative groups. However, the Taoiseach said that no area could be immune from cuts²¹.

²¹ The Irish Times, Cowen: 'No 'Bord Snip' cuts ruled out', 17 July 2009